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**To:** 'microsoft.atr(a)usdoj.gov'  
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**Subject:** Microsoft Settlement comment

This is my public comment on the proposed antitrust settlement between the DOJ and Microsoft.

I earned a Bachelor of Science Degree in Computer Science from Michigan Technological University in 1979. Have been in the business of creating commercial computer software for more than 20 years.

Since the 1980's I've observed Microsoft success in the computer software area. In the 1990's it became clear to me that their strategy had moved from creating competitive software to restricting others from competing against them.

I believe the proposed settlement is definitely not in the best interest of the public. It does not go far enough to promote the creation of an environment where software programs that are better than microsofts programs will be allowed to compete in a fair marketplace.

Under "Prohibited Conduct", Microsoft is prevented from penalizing an oem, vender, etc. if they choose to include non-microsoft software in their product offering that also includes Microsoft Windows. This is a good start, however this does not address the problem of the implied penalty Microsoft applies to a non-Microsoft product that competes with something that Microsoft has chosen to now include with their base operating system. The penalty being that the OEM is required to pay for Microsoft's version even though the oem does not want to include it.

Why is this a problem? Microsoft, is able to further its monopoly position and even more so its monopolistic pricing by forcing customers to buy things they don't want and then charging what it thinks is its fair market value.

The first example of this was Microsoft's Internet Explorer vs Netscape's Browser.

The latest example of this is Microsoft's audio media player vs RealNetworks Media Player.

It costs money to develop software. Microsoft pays for the development of its software by bundling it with the OS and then forcing the customer to pay for it, regardless of how well it works.

Companies that do not have the fortune of owning the OS for which their application will run must charge money for their software and to pay for development and return a reasonable ROI for its investors. This puts them at a disadvantage and forces almost all software developers to stay away from any products that they fear would compete with a similar product that is, or could ever be bundled with the OS.

How to fix that? The only way to fix that is to level the playing field between Microsoft and all the other software developers and companies.

To level the playing field requires 2 things:

First - Microsoft must be required to offer a stripped down Operating System without all the of Microsoft's versions of features that OEMS and customer don't want.

That will level the pricing playfield.

Second - Microsoft must publish and make available to the software development community the API's and rules used by these unbundled Microsoft applications when talking to the Basic OS.

And that will level the development playfield.

Why do we want this? Who will benefit? The true beneficiary of the above is the consumer. It is only in a truly competitive software development and market environment will we see better products become available for the consumer. The present environment stifle competition, and leaves it up to Microsoft to dictate the direction of software development. It is because of Microsoft's dominance that we are inundated by viruses, spam, and slow and buggy programs. Microsoft has no incentive to improve its products because it lives in a monopoly, able to sell any halfdone program to the consumer because they can bundle it in with the OS and then charge a little more for the OS.

There are thousands of highly qualified and motivated software developers and companies that can produce better products than Microsoft for email, web browsing, realtime audio, etc. yet they are not allowed to do this for the dominate OS, Microsoft Windows.

So because of this, the American consumer can never enjoy the fruits of those talented programmers.

I agree that the proposed settlement would benefit those disadvantaged schools, but at to great a cost for the American consumer now, and in the long term it is a bad deal for the schools as well. Those schools would get technology dictated by a monopolist that is intended to benefit the monopolist.

If this were such a good deal for the schools, Microsoft should go ahead and make the donations, however those donations should not be considered part of the settlement for this anti-trust issue.

Thanks for listening to me,

I trust that the right decision will be made. It is really obvious to nearly all the rest of the computer software industry.

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